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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Michelle Paynton,
10 Plaintiff,

11 v.

12 American Fresh Food LLC, et al.,
13 Defendants.
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No. CV-24-00536-PHX-KML

ORDER

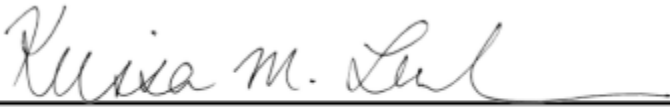
15 Defendants and their counsel filed a statement explaining their failure to comply
16 with the January 14, 2025, order. (Doc. 45.) Based on that explanation, no further action
17 will be taken. Defendants' statement also "requests that the court . . . reiterate the contents
18 of the court's scheduling order . . . applicable to all counsel." (Doc. 45 at 4.) Defendants
19 believe it is necessary to remind the parties that discovery disputes can be filed only if the
20 disputes "cannot be resolved despite sincere efforts to resolve the matter through personal
21 consultation (in person or by telephone)." (Doc. 35 at 5.) The court reiterates that language
22 applies to all parties. That language, however, does not prevent the parties from conducting
23 some discovery discussions through other means, such as email. Nor does that language
24 give any party a basis to ignore discovery-related communications made through other
25 channels before a dispute arises.¹

26 ¹ In this case, defense counsel promised supplemental discovery responses the week of
27 December 4, 2024, but failed to produce the responses. (Doc. 38-1 at 7, 9.) Plaintiff's
28 counsel emailed additional discovery-related inquiries on December 11, 13, 17, 26, 27, and
January 3. (Doc. 38-1 at 9-11.) Defense counsel never responded. The language of the
scheduling order does not allow for counsel to ignore attempts to discuss discovery, even
if those attempts are made via email.

1 Accordingly,

2 **IT IS ORDERED** the court takes no additional action regarding defense counsel's
3 noncompliance with the January 14, 2025, order.

4 Dated this 7th day of February, 2025.

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8 **Honorable Krissa M. Lanham**
9 **United States District Judge**
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